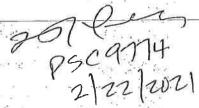
# EXHIBIT A



NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

WALGREENS CO., who may be served with process by serving its registered agent PRENTICE HALL CORPORATION SYSTEM at 211 E 7TH STREET, SUITE 620, AUSTIN, TX 78701-3218 or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable County Court at Law Number 3, El Paso County, Texas, at the Court House of said County in El Paso, Texas. and March Commencer Applies Associated as a first and the commencer

Said Plaintiff's Petition was filed in said court on this the 12th day of February, 2021, by Attorney at Law ,BRETT DUKE, 6350 ESCONDIDO DR STE A-14 EL PASO TX 79912 in this case numbered 2021DCV0520 on the docket of said court, and styled:

### JESUS YANEZ VS. WALGREENS CO.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs. f, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 16th day of February, 2021

THE REPORT OF THE PROPERTY OF

JUNEA TOMOGRADO MALERATORIA SIG.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU District Clerk El Paso County Courthouse 500 E, San Antonio Ave. RM 103 El Paso, Texas 79901



NORMA FAVELA BARCELEAU ... District Clerk El Paso County, Texas

Rule 106: "-the citation shall be served by the officer delivering to each defendant in person, a true copy of the citation with the true is a constant in person, a true copy of the citation with the true is a constant in the citation with the ci

是那位的一颗。一

date of delivery endorsed thereon and with a copy of the petition attached thereto."

are a control for a particular property

# Case 3:21-cv-00073-DGG Document 1-5 Filed 03/23/21 Page 3 of 8.

are to a meet which	e in a desirable de la lace		เ. วาส์ ของให้แก้ไม่สีของกับแน	SERVICE OF	
10 Carlo Mary 12 1 2 12	and the second of the Armer's a	War har desiry t	三、 到了一个人,从他们的		12 12 12 12 12 12 12 12 12 12 12 12 12 1
	1.40	5. T.	RETURN		
48 S	a javang Mar	in the	· 1000年11年12年11日	Control of the contro	
Came on hand on	day	of		o 20o ato	'clockM., and executed within-named defendants,
in	of this Citation I	in in the line	County, Texas, by	y delivering to each of the	e within-named defendants, ther with the accompanying
true and correct copy of	f the Plaintiff's	Original Pe	tition, at the follow	ing times and places, to-	mer with the accompanying wit:
* *					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
NAME	MONT	DATE H DAY	YEAR Hour	TIME Place, and	d Course and Distance
t <sub>2</sub> ,	3-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	designation			The same of the state of the same of the s
			<b>《李·传》的手以作</b> 。		
· · · · · · · · · · · · · · · · · · ·		24 . 10 Mg. c 2, 1		17 - 2 3 3 4 3 1 27 5 C	3.00
-2-1, 300		200 ( 100) - 10	** *** *** *** ** ** ** *** *** *** **	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	Y 2 4	4 1.73	at the state of the		
And not executed as to	the defendant				An array
Wild tior executed 92'rd	ine delendant,	Teri	- Charles Aller Aller Control		
- 1 1 - 1	- W		sees extrem		The second secon
The diligence used in fi				e de la	
And the cause of failure	to execute this	process is:	1		- Maria
And the information rec	elved as to the v	whereabout	s of the said defend	laht, being	Court Constitution of the
机打造机构工作工具的				County, Texas	
Total	- 18° .	e Gelier	· Ko	Taki sa sawa .	Dodilar
Total	<del> // n.,</del>	ΤΨ		TGE 1	, Deputy
mit 1 5,1	ed to " death of the area to be a	miles to enterestantistic	to the company of the property of the stage of the same	congete to the state of the sta	and the second specification in the
·		CERT	IFICATE OF DEL	IVERY	
I do hereby certify that I	delivered to	a na gan isa ayang ika ika sara sa isa I gan isa	- Special residence of the second sec	, on the	day of
				AL DE STORE ST.	, Sheriff/Agent
The state of the s	ราง จะพังพร้อมปร	n. 	th Jean Drivie College		County, Texas
5 51 10 NOVE 1 1 A K					174
			By_	The second secon	, Deputy/Agent
		reactive type of the section of the	The second of the second	e elementenia La como elementenia	tage on a graph of the stage of
SUBSCRIBED AND SW	ORN TO BEFOR	E ME ON T	HE DAY O	<b>P</b> alify faller light to figure the factor of the control of the c	, 20
	Janua Spill Brid	(1) 特殊(1) (1)			
rai i i i i i i i i i i i i i i i i i i	EAL)				and the second second
9	from the first			China, Abor.	
	1.5.5.3	24	NOTARY PUI	BLIC. STATE OF TEXAS	Land Balanty hard
y e x		3 (St) (4			
Χ.	.001 a	a the same	na taon talenteden festalente i esse	Selder or sear	a company
4	Lapter's Barrier's	1 - X	The State of the S	<b>主知斯尔</b> 德	T 100 000
ficia bassaw esercividades	भक्त संस्कृतिक विद्यालया । जन्म		<u> </u>	ar a continue	"The ""
القصواليس بالعدا سدادا	dotania e w	Service Pro	shupeiri	72	
*	114	71 H ] H		Linderic Arabic in in	a distribution
				in the same	Securati, Laire
	8 00	5 . 25	3 1/2 TO F F F F F F	marketine and a subsect of an extension of a subsection	

El Paso County - County Court at Law 3

Filed 2/12/2021 9:16 AM Norma Favela Barceleau District Clerk

> El Paso County 2021DCV0520

JESUS YANEZ,

Plaintiff,

v.

WALGREENS CO.,

Defendant.

#### PLAINTIFF'S ORIGINAL PETITION

#### Discovery Level

Plaintiff intends to conduct discovery under Texas Rule of Civil Procedure 190.4 – Level.

#### **Parties**

- 2. Plaintiff is a male individual, born in 1967. Plaintiff is an employee as defined by the Texas Labor Code.
- 3. Defendant Walgreens Co. is a corporation that may be served with process by serving its registered agent Prentice Hall Corporation System, 211 E. 7th Street; Suite 620, Austin, TX 78701-3218. Defendant is an employer as defined by the Texas Labor Code.

#### Exhaustion of Administrative Procedures

4. Plaintiff complied with all necessary administrative prerequisites. Plaintiff timely filed his Charge of Discrimination. There has been the passage of 180 days after the filing of Plaintiff's Charges of Discrimination. Therefore, Plaintiff complied with all necessary administrative prerequisites.

#### Jurisdiction and Venue and and

This suit is brought and jurisdiction lies pursuant to Section 21.254 of the Texas Labor Code. This action properly lies in El Paso County, Texas, where the unlawful employment

Tarah a Talah Barah Janah China Kara

to make a second of an optimality being the galaxies.

and the second of the second o

ama diagramma. Il monjan distribus di amembilian coldicati, a color di minera, comp

· Park , Park ;

practices occurred. This is not a legal action against Defendant for Defendant's exercise of the right of free speech, right to petition, or right of association. This is a legal action for discrimination and retaliation in violation of the Texas Labor Code.

#### Facts

- 6. In 1999, Defendant hired Plaintiff as an Assistant Manager.
- Defendant promoted Plaintiff to Assistant Store Manager.
- 8. For the next 21 years, Defendant employed Plaintiff as an Assistant Store Manager, one of the highest paid Assistant Store Managers, earning more than the younger, new Store Managers.
- 9. In June 2019, Defendant promoted a new District Manager for the western division of the city that became someone with supervisory authority over Plaintiff. The new District Manager was in his thirties, considerably younger than Plaintiff.
- Defendant discharged similarly situated older employees older than 40 years old.
- 11. In May 2020, Defendant discarded equipment. Defendant authorized Plaintiff to take home the equipment.
- 12. On May 28, 2020, Defendant discharged Plaintiff for taking home the equipment that Defendant previously authorized Plaintiff to take home. Defendant stated Defendant discharged Plaintiff because Plaintiff allegedly put Defendant at risk for liability of a lawsuit for transporting the discarded equipment.
- Defendant's stated basis for Defendant's discharge of Plaintiff was pretext. First,

  Defendant authorized Plaintiff's action but then Defendant discharged Plaintiff for performing the
  very act Defendant authorized. Second, Defendant allowed younger employees to take home
  discarded equipment. Defendant did not discharge younger employees that Defendant authorized
  to take equipment home. Third, Defendant failed to provide Plaintiff with any paperwork about

and the second of the second o

The Control of the Co

the second of th

the discharge. Fourth, Defendant failed to follow its own policies in the discharge of Plaintiff.

The real reason Defendant discharged Plaintiff was motivated by Plaintiff's age.

14. Defendant replaced Plaintiff with someone younger, in her thirties.

## Count I. Discrimination because of Age

- 15. As detailed above, Defendant committed unlawful employment practices because Defendant intentionally discriminated against Plaintiff because of his age. Defendant violated section 21.051 of the Texas Labor Code.
- position, proved by his 21 years of employment, terminated by his employer, and replaced by someone younger, outside of the protected class. Defendant's stated reason to discharge Plaintiff was pretextual.

#### Damages of the

- As a direct and proximate result of the Defendant's discrimination, Plaintiff has been damaged in the form of lost wages and benefits in the past and future and compensatory damages in the past and future, which include emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other noneconomic losses. The harm to Plaintiff resulted from Defendant's actual malice. Defendant discriminated against Plaintiff with actual malice, ill will, spite, evil motive, or purpose to injure Plaintiff. Plaintiff seeks punitive damages for Defendant's violations of his rights. Plaintiff seeks punitive damages against Defendant in an amount to be determined by the jury.
- 18. Pursuant to Texas Rule of Civil Procedure 47(c)(1). Defendant has damaged Plaintiff in an amount within the jurisdictional limits of this Court and Plaintiff states that Plaintiff seeks monetary relief over \$1,000,000 for all the other relief to which Plaintiff deems himself entitled.

land in the transport of the continued by Armed America Hoseleys. The house the last to the condition from

To real of the Long to the State State of the Combine of the Combi

on the contraction of the property of the property of the property of the contraction of

This statement is made solely to comply with Texas Rule of Civil Procedure 47 and not for argument to the jury. The monetary relief actually awarded will ultimately be determined by the jury.

#### Attorney Fees, Court Costs, and Expert Fees

Plaintiff is entitled to attorney fees, costs of court, and expert fees pursuant to the Texas
 Labor Code.

#### Conditions Precedent

20. All conditions precedent have been performed or have occurred.

#### as the state of the control Jury Demand

21. Trial by jury is demanded and the applicable fee is paid.

#### Prayer

22. For these reasons, Plaintiff asks that Defendant to be cited to appear and answer, and, on final trial, that Plaintiff have judgment against Defendant, for a sum within the jurisdictional limits of this Court, for the following:

Chaffilian Pressure in

- a. general damages;
- b. special damages;
- c. punitive damages;
- d. prejudgment interest as provided by law:
- e. postjudgment interest as provided by law;
- f. attorney fees, expert fees, court costs and all costs of suit; and

er domest as to his help by leve

g. such other and further relief at law and equity to which Plaintiff may be justly entitled.

#### Respectfully submitted,

LAW OFFICE OF BRETT DUKE, P.C. 6350 Escondido Dr., Ste. A-14
El Paso, Texas 79912
(915) 875-0003
(915) 875-0004 (facsimile)
brettduke@brettduke.com

#### /s/ Brett Duke

Brett Duke

LAW FIRM OF DANIELA LABINOTI, P.C. 707 Myrtle
El Paso, Texas 79901
(915) 581-4600
(915) 581-4605 (facsimile)
Daniela@LabinotiLaw.com

ds/Daniela Labinoti

(015, 50-046 (215) 476-baux (mesandir) bretunks: (1

Sand A. Sand in the

Daniela Labinoti

血和增强原源。